SERVED: May 4, 2005

NTSB Order No. EA-5155

## UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 4th day of May, 2005

MARION C. BLAKEY, Administrator, Federal Aviation Administration,

Complainant,

V.

EDWARD WIRTH BROFF,

Respondent.

Docket CP-115

## ORDER DENYING STAY

Respondent has requested a stay of NTSB Order No. EA-5145, served March 21, 2005, pending disposition of a petition for review to be filed in the U.S. Court of Appeals. The request is denied.

Respondent's stay request is untimely under our rules of practice, which provide that requests for stays must be filed within 30 days after the date of service of the Board's order, or in this case by April 20, 2005. See 49 CFR 821.64(b) and 821.50(b). However, respondent's petition was dated April 26, 2005, 36 days after our decision was served.

## ACCORDINGLY, IT IS ORDERED THAT:

Respondent's request for stay is denied.

Ronald S. Battocchi General Counsel

 $<sup>^{1}</sup>$ In EA-5145, the Board denied respondent's petition for reconsideration of NTSB Order No. EA-5109, served September 15, 2004.